

Brian S. King, #4610
Brent J. Newton, #6950
Samuel M. Hall, #16066
Andrew J. Somers, #19078
BRIAN S. KING, P.C.
420 East South Temple, Suite 420
Salt Lake City, UT 84111
Telephone: (801) 532-1739
Facsimile: (801) 532-1936
brian@briansking.com
brent@briansking.com
samuel@briansking.com
andrew@briansking.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH NORTHERN DIVISION

<p>K.S., and Z.S.,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>CIGNA HEALTH AND LIFE INSURANCE COMPANY, and the ACCENTURE LLP BENEFITS PLAN,</p> <p>Defendants.</p>	<p>JOINT STATUS REPORT</p> <p>Case No. 1:22-cv-00004-TC-DBP</p> <p>District Judge Tena Campbell</p> <p>Magistrate Judge Dustin B. Pead</p>
--	--

JOINT STATUS STATEMENT

The parties, through their undersigned counsel, hereby present their Joint Status Report to the Court, as requested in the Court's July 8, 2024, ECF Order 68.

BACKGROUND

This Court remanded this matter back to the pre-litigation appeals process so that Plaintiffs could present Defendants with appeals through remand including information and arguments to support Plaintiffs' argument that Z.S. was entitled to the claimed benefits for their

treatment at Elevations. On July 17, 2024, Plaintiffs communicated a proposed remand schedule to Defendants, setting in place specific dates for Plaintiffs to send their appeals by, and deadlines for Defendants to respond to these appeals. On August 16, 2024, Plaintiffs submitted a level one appeal that addressed the alleged wrongful denial of benefits (the “Level One Appeal”). On September 10, 2024, Defendants requested a one-week extension for Defendants response to the Level One Appeal from September 30, 2024, to October 7, 2024. On October 7, 2024, Defendants emailed Plaintiffs a copy of Cigna Health and Life Insurance’s (“Cigna”) decision regarding the Level One Appeal. After reviewing the Level One Appeal, Cigna found that Z.S.’s care from February 5, 2019, through October 15, 2019, was medically necessary, and reversed their denial of coverage. However, Cigna also upheld their previous denial of benefit coverage for Z.S.’s care from October 16, 2019, through March 9, 2020. Plaintiffs are preparing a second-level appeal to seek benefit coverage for the remaining dates of Z.S.’s care. They will provide Defendants with this appeal on the agreed-upon deadline, November 14, 2024. Given that the remand proceedings are still in progress, the parties jointly request to present another Joint Status Report to the Court after the remand proceedings have concluded.

DATED this 8th day of October 2024

/s/ Brian S. King

Attorney for Plaintiffs

DATED this 8th day of October 2024

/s/ Michael H. Bernstein

Attorney for Defendant Cigna Health and Life Insurance

/s/ James L. Barnett

Attorney for Defendant Accenture LLP Benefits Plan

//

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served to all parties registered to receive notices via the Court's CM/ECF system for the above captioned matter.

DATED this 8th day of October 2024

/s/ Brian S. King